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OCA 2132-88  
14 June 1988

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MEMORANDUM FOR THE RECORD

SUBJECT: Intelligence Oversight Legislation - DCI Appearance  
Before the House Foreign Affairs Committee (HFAC)

1. On 14 June 1988, the Director appeared before HFAC to testify on H.R. 3822, the Intelligence Oversight Bill. The Director was accompanied by Mike Armacost, Under Secretary of State for Political Affairs. Attached is a copy of the opening statement by the Director and Mike Armacost. A transcript of the hearing was taken. Members attending the hearing included Dante Fascell, Lee Hamilton, William Broomfield, Stephen Solarz, Howard Berman, Henry Hyde, Jim Leach, Mel Levine, Ted Weiss, Doug Bereuter, Robert Torricelli, James Bilbray, and Michael Dewine.

2. Most of the discussion in the hearing centered around the requirement in the bill to notify Congress of a Finding within 48 hours. Hamilton and the other Democrats completely rejected the argument that the President needs flexibility to delay notice when lives are at stake, or when a foreign power conditions its cooperation on the promise that the President not inform Congress of the operation. Hamilton argued that leadership of the Congress could be trusted not to disclose operations where lives were at stake and that it would be improper to succumb to the wishes of other countries who seek to dictate our constitutional process. The Republicans were just as united in contending that the 48-hour provision was unconstitutional and would not give the President the flexibility to act to prevent the substantial loss of American lives. It appears that Members have already made up their minds on this issue, and the hearing did not result in Members changing their view on this issue. However, it is significant that liberal Republicans, such as Jim Leech, have come out in opposition to the bill. This will make a veto override much harder.

3. There are several followup responses promised by the Director. The Director stated he would provide the Committee information on whether NSDDs are provided to the Intelligence committee. The Director initially stated that NSDDs are provided to the Intelligence committee, but he was challenged on this point by Lee Hamilton. The Director also promised to provide the committee our views on whether it is wise to have the President sign Findings and transmit signed Findings to Congress. Finally, the Director promised to submit for the record an answer on

whether there has been any instance in which covert action information had been leaked by the intelligence committees prior to the initiation of the covert action. Solarz attempted, without success, to extract a commitment from the Director to have the Department of Justice (DoJ) provide the Committee its views on whether the President would comply with the 48-hour notification requirement if it were enacted into law. The Director referred the Committee to a DoJ letter to the House Permanent Select Committee on Intelligence (HPSCI) that touched on this issue. Members also indicated that they would submit additional questions for the record.

4. Clark Clifford followed the Director and Mike Armacost testifying strongly in favor of the 48-hour notification requirement. Mr. Clifford recommended that the bill be amended to impose criminal sanctions on officials who participate in a covert action for which the required notice has not been given. Several members indicated they would support such an amendment in the Committee markup.




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Attachment  
(Opening Statements)

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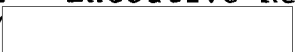
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